

CASE NO. 08cv3131

ATTACHMENT NO. 2

EXHIBIT B part 3

TAB (DESCRIPTION) _____

1 her. But I didn't like stare at her. I just
2 hucked and took off.

3 Q. So while you were being attacked by the
4 gentleman Miss Coleman was still there brandishing
5 the knife?

6 A. Yes.

7 Q. All right. And while you were engaged in
8 taking the stick away from the gentleman,
9 Miss Coleman did not attempt to stab you?

10 A. I don't know if she did or not.

11 Q. Okay. She certainly never made contact
12 between the knife and your body?

13 A. No.

14 Q. Okay. You managed to get the stick away,
15 and you hit the man. Where did you hit him?

16 A. I don't know where I hit him at. I hit
17 him and he went down.

18 Q. When you say he went down, did he fall
19 down completely or did he just go down on his hands
20 and knees? How did he go down?

21 A. I hit him and then he fell back and he
22 fell down.

23 Q. Was he unconscious?

24 A. No.

1 Q. So he was just on the ground, but he was
2 still conscious?

3 A. Yes.

4 Q. Was he saying anything?

5 A. I don't recall.

6 Q. And after he goes down, you then take the
7 stick; and you threw it at Miss Coleman?

8 A. Yes.

9 Q. Did you hit her?

10 A. I don't know if it hit her or not.

11 Q. At any time did you make physical contact
12 with Miss Coleman?

13 A. No.

14 Q. Okay. When I say any time, I mean --
15 well, let me ask it this way.

16 From the time that you first started
17 walking southbound on Michigan Avenue to the time
18 that you threw the stick at Miss Coleman, did you
19 make any physical contact with her?

20 A. Never bumped in, never touched her at all.

21 Q. Okay. What did she say when you threw the
22 stick at her?

23 A. I don't -- I don't recall.

24 Q. Approximately how long did this entire

1 encounter take? And I mean from the time that you
2 stopped outside the Diamond building to the time
3 that you threw the stick at Miss Coleman, about how
4 much time passed?

5 A. 35 -- not even a minute.

6 Q. Okay. So less than a minute?

7 A. Yes.

8 Q. Okay. More than half a minute?

9 A. 35 seconds, sure.

10 Q. And during that whole time that you're
11 stopped outside the Diamond building with
12 Miss Coleman, the shorter woman and the man, you
13 never once yelled for help, true?

14 A. No, because you can't depend on people to
15 help you.

16 Q. I'm sorry. That was a poorly phrased
17 question.

18 No, it's not true, or no, you never called
19 for help during that time?

20 A. No, I never called for help.

21 Q. Okay. And no one came up to the area
22 where you were standing with Miss Coleman and this
23 man and offered to help?

24 A. No one offered to help.

1 Q. Okay. And you didn't scream anything at
2 all?

3 A. No.

4 Q. Okay. And you actually stayed in front of
5 the Diamond building until the point where you had
6 the opportunity to take the stick away from the man
7 and throw it sat Miss Coleman?

8 A. Yes.

9 Q. And was it right after throwing the stick
10 at Miss Coleman that you decided to run?

11 A. Yes.

12 Q. All right. Now, let me ask you this.

13 While you were standing out in front of
14 the Diamond building with Miss Coleman, this other
15 woman and this gentleman, do you have any idea if
16 there were any Metra police officers in the
17 vicinity?

18 A. No.

19 Q. Do you have any idea if there were any
20 Chicago police officers in the vicinity?

21 A. No.

22 Q. Okay. When you decided to run, what
23 direction were you going to run?

24 A. Down Randolph, westbound down Randolph.

1 Q. You were going to continue towards the
2 Clark and Lake CTA stop?

3 A. Yes, but my main objective was to get out
4 of there, just get out.

5 Q. Okay. Now, when you threw the stick at
6 Miss Coleman, did you see what happened to the
7 knife?

8 A. No.

9 Q. Okay.

10 A. I didn't even look. I just hucked it, and
11 I took off running. So I don't know what happened.

12 Q. Okay. You say you hucked it, this stick
13 was about 4 feet long?

14 A. It broke in half when I hit him, and I had
15 the other part in my hand.

16 Q. Okay. So when you hit the gentleman, the
17 stick actually broke in half. Did half of it fall
18 to the ground?

19 A. Yes.

20 Q. And the other half you kept in your hand?

21 A. Yes.

22 Q. Your right hand?

23 A. Yes.

24 Q. All right. And you threw that half at

1 Miss Coleman?

2 A. Yes.

3 Q. And then you turned around to face

4 southbound?

5 A. Yes.

6 Q. Okay. And then you began running?

7 A. Uh-huh.

8 Q. Yes?

9 A. Yes.

10 Q. When you turned to begin running, did you
11 see any Metra police officers?

12 A. No, ma'am.

13 Q. Did you see any kind of officer?

14 A. No, ma'am.

15 Q. Did you see anyone in uniform?

16 A. No, ma'am.

17 Q. Now, in this Paragraph 11 where it says,
18 nevertheless, Deborah Coleman stood her ground and
19 continued to attempt to harm and rob Matthew, did
20 she at all say anything else other than just the
21 swearing at you from the time she approached you
22 with the knife?

23 A. You're going to get stabbed, mother
24 fucker, that's what she said.

1 Q. But other than you're going to get
2 stabbed, mother fucker, she said nothing else other
3 than that and swearing at you?

4 A. No.

5 Q. And you never said a word during this
6 entire encounter with Miss Coleman, this man and
7 the short woman?

8 A. No.

9 Q. Okay. All right. So you turn and face
10 southbound. You were going to run down west
11 Randolph. Is that what you started to do?

12 A. Yes.

13 Q. All right. You started to run down
14 Randolph; and while you were running, did you see
15 anyone in uniform?

16 A. No.

17 Q. Did you hear anyone shouting behind you
18 anything like help or someone's got a knife or
19 anything like that?

20 A. No, I didn't hear any of that.

21 Q. All right. Now, I want to look at
22 Paragraph 13 on Line 3. It stays, despite the fact
23 that Matthew who had fallen to the pavement at
24 Garland Court and Randolph Street was obviously the

1 victim of an attack by an unkempt and disheveled
2 "homeless person", Defendant Kimble initiated an
3 unprovoked attack upon Matthew.

4 Did I read that correctly?

5 A. Yes.

6 Q. Where's Garland Court?

7 A. Right behind -- the street west of
8 Michigan.

9 Q. It's the first street west of Michigan; is
10 that accurate?

11 A. Yes.

12 Q. Okay. And on that corner at Garland and
13 Randolph, is the Cultural Center there?

14 A. I don't -- I don't know.

15 Q. What other kind of buildings are in that
16 area?

17 A. I don't recall.

18 Q. Had you been in that area before?

19 A. Never walked down Garland Court before.

20 Q. Okay. Had you walked by Garland Court
21 before?

22 A. Yes.

23 Q. So the street, you knew was there; you
24 just didn't necessarily know what the name of it

1 was?

2 A. Yes.

3 Q. All right. You learned the name of it
4 after this incident?

5 A. Yes.

6 Q. All right. Which side of the street did
7 you fall down on? Were you on the north side of
8 Randolph or the south side of Randolph?

9 A. The question you asked me about did I
10 encounter any police, you asked that on Michigan
11 Avenue, right?

12 Q. Correct?

13 A. I encountered -- when I was turning, you
14 know how I told you there was a good amount of
15 space from the Diamond building to Michigan Avenue,
16 well, I was -- I turned -- I was running down
17 Michigan Avenue southbound, and then I turned west
18 across that area.

19 As I was turning west I look to my left,
20 and I'm getting swung on by one of those long Billy
21 clubs. And that's -- then I noticed I was getting
22 attacked by someone who I later found out was a
23 Metra police officer.

24 Q. Let back up a second so I have it

1 straight.

2 First of all, this distance I guess
3 between the Diamond building and the corner, that
4 would allow you if you were going to run west to
5 kind of run in a diagonal to reach Randolph?

6 A. Yes.

7 Q. And so when you turned away from
8 Miss Coleman and these two other unknown persons,
9 you started to run south on Michigan Avenue and
10 then wanted to cut across that diagonal so that you
11 had kind of a shorter distance to reach Randolph?

12 A. Yes.

13 Q. Okay. And so you initially started to run
14 southbound on Michigan Avenue, is that accurate?

15 A. Yes.

16 Q. All right. As you were running southbound
17 on Michigan Avenue before you turned to cut on that
18 diagonal towards Randolph, before you did that, did
19 you see anyone in uniform?

20 A. No.

21 Q. All right. You reached the section
22 outside the Diamond building where you can turn and
23 run on a diagonal towards Randolph?

24 A. Yes.

1 Q. Okay. At that point when you turn to run
2 on that diagonal, you would have been running kind
3 of southwest; is that accurate?

4 A. Yes.

5 Q. All right. And when you began running
6 southwest did you see anyone in uniform at that
7 point in time?

8 A. Right when I got there, yes, yes.

9 Q. Okay. And you said you looked to your
10 left?

11 A. Yes.

12 Q. Okay. To your left you saw a person?

13 A. Yes.

14 Q. All right. When you looked to your left,
15 how far from you was this person?

16 A. Not even 5 feet.

17 Q. All right. And you were running at the
18 time?

19 A. Yes.

20 Q. All right. Do you know where this person
21 came from?

22 A. No.

23 Q. Okay. And was this person close to -- was
24 this person actually on the corner of Randolph and

1 Michigan or close to the Diamond building? Where
2 at?

3 A. I don't know where he came from.

4 Q. You don't know where he came from; you
5 don't know when he arrived in the area?

6 A. No.

7 Q. You don't know what this person actually
8 saw?

9 A. Correct.

10 Q. And this person -- is this the person you
11 later learned was Officer Dion Kimble?

12 A. Yes.

13 Q. Okay. And when you turned to the left and
14 you saw this person, were you at all able to see
15 where Miss Coleman was?

16 A. No.

17 Q. Do you have any idea if he she stayed
18 where you left her and this other woman and this
19 man?

20 A. Yes.

21 Q. Yes, they stayed there?

22 A. No. I know where they were.

23 Q. Okay. And were they still in the location
24 where you left them to turn and run when you

1 encountered --

2 A. I don't know where they were at the time,
3 but later on the question you asked I will answer
4 where she was.

5 Q. So you turned to cut across the diagonal,
6 and that's when you first see this other person.

7 When you saw this person he was about
8 5 feet away from you?

9 A. Yes.

10 Q. Was that person in uniform?

11 A. Yes.

12 Q. When were you first able to tell that that
13 person was in uniform?

14 A. Say I looked and I was getting swung on,
15 and I was freaking out. I kept running, and then I
16 realized that it was not a Chicago cop. I didn't
17 know who it was. I just knew they were in uniform,
18 and they had a billy club.

19 Q. A Billy club, is that the same thing as a
20 baton?

21 A. Yes, yes.

22 Q. But what I want to know is -- I understand
23 that when you first turned you saw this person
24 you're getting swung on.

1 When did you first realize this person was
2 in a uniform?

3 A. After I was getting swung on, I noticed it
4 was someone in a uniform.

5 Q. Okay. And when you say that you turned,
6 you were getting swung on. So when you initially
7 started to run on that diagonal and you looked to
8 your left, was it simultaneous that you saw this
9 person and you were getting hit with this Billy
10 club?

11 A. Yeah. As soon as I started running, I
12 turned westbound; and I was, you know, running.
13 And then I looked, and it was like it all like
14 that. It happened all quick, and I was getting
15 swung on.

16 Q. All right. So did you actually get hit
17 with the Billy club prior to ever falling down at
18 Garland Court?

19 A. No.

20 Q. So what do you mean you were getting swung
21 on. Were you still running --

22 A. Yes.

23 Q. Let me finish my question.

24 Were you still running when you initially

1 looked to your left and saw this person who you
2 later learned was Officer Kimble?

3 A. Yes.

4 Q. All right. And when you first were
5 running and looked to your left, you were still on
6 your feet?

7 A. Yes.

8 Q. All right. And while you were on your
9 feet and you first saw this person, you observed
10 this person had a Billy club, a baton?

11 A. Yes.

12 Q. All right. And you were still running at
13 that point?

14 A. Yes.

15 Q. All right. Had you reached Randolph when
16 you first observed this baton?

17 A. Yes. I was -- I had already turned on --
18 I just got on there. Right when I turned on there,
19 it happened like that.

20 Q. Okay. And did you observe this person who
21 you later learned was Officer Kimble actually swing
22 the Billy club at you?

23 A. Yes.

24 Q. Did you hear him shout or say anything

1 before he swung that?

2 A. No.

3 Q. At any time from the time you initially
4 left Deborah Coleman to the time where you first
5 saw this Billy club being swung at you, did you
6 hear anything to the effect of stop, police,
7 anything of that nature?

8 A. No.

9 Q. All right. So you said this Billy club
10 was being swing at you. How many times while you
11 were running was this Billy club swung at you?

12 A. Five times.

13 Q. Did the Billy club make any contact with
14 you while you were running?

15 A. No.

16 Q. So while you were running and the Billy
17 club was being swung at you, but before you fell to
18 the ground, did you have an opportunity to observe
19 that the person swinging the Billy club was in
20 uniform?

21 A. Yes.

22 Q. All right. And what about the uniform did
23 you observe?

24 A. It was Navy blue or black, and he had a

1 bullet proof vest on.

2 Q. Did you notice a badge?

3 A. No.

4 Q. Okay. Now, you previously said, well, it
5 wasn't the Chicago police. Was there something
6 about this gentleman you encountered who was
7 swinging the Billy club that led you to believe he
8 was an officer of some sort?

9 A. Yes.

10 Q. All right. And you reached that
11 conclusion at some point while you were running,
12 but before you fell down at Garland Court?

13 A. Yes.

14 Q. Okay. Do you have any idea why the
15 officer was swinging the Billy club at you?

16 A. I believe he was -- he observed
17 Miss Coleman and two others, and he was kind of
18 like helping them I believed.

19 Q. Okay. You believed. Let me ask you this.

20 A. Yes.

21 Q. Because you previously said you didn't
22 know where he was or what he saw, so why do you
23 believe that what he saw was Miss Coleman and this
24 gentleman and this other woman attacking you; and

1 he was just joining in with them?

2 A. Because it happened so quickly, I got
3 attacked by three -- three black people all like
4 that. And then as I was running I was getting
5 attacked by another black person. I thought they
6 were all coming at me for some reason.

7 Q. Now, is it fair to say that for all you
8 know this officer saw you throw the stick and
9 thought you were attacking Miss Coleman?

10 MR. FITZSIMMONS: Objection. It calls for him
11 to speculate. If he can answer that, fine. If he
12 can only answer with speculation, I'd advise him
13 not to answer.

14 THE WITNESS: I cannot answer.

15 BY MS. MAYHEW:

16 Q. Okay. Because you have no idea what he
17 actually saw or thought, true?

18 A. I have no idea what he saw.

19 Q. And you have no idea what he thought based
20 on what he saw?

21 A. Yes.

22 Q. Now, Paragraph 13 talks about you falling
23 to the pavement at Garland Court. Was there any
24 contact between -- I'm sorry. I asked that

1 already. Strike that.

2 When you fell at Garland Court were you on
3 the north side of Randolph or the south side of
4 Randolph?

5 A. It was on -- I had cut across Randolph and
6 was on Garland Court, and it was on the west side
7 of Garland Court.

8 Q. All right. So you had actually through
9 running that diagonal had reached the southwest
10 corner of Garland and Randolph?

11 A. Yes.

12 Q. Okay. And is that where you fell?

13 A. In the middle of the Garland Court, a
14 flower bed was where I was taken down, yes.

15 Q. You say taken down?

16 A. Thrown down.

17 Q. Let me ask my question, okay?

18 You say taken down. The complaint says
19 that you fell to the pavement at Garland Court.

20 Now, did you -- what actually caused you
21 to fall to the pavement at Garland Court?

22 A. I lost a shoe.

23 Q. Where did you lose the shoe?

24 A. Somewhere on Garland Court.

1 Q. How did the shoe come off?

2 A. I had my shoes untied.

3 Q. Why did you have your shoes untied?

4 A. I tie them now, but it was comfortable at
5 the time. It was not like I had the laces hanging
6 out. They were inside my shoe.

7 Q. Okay. So they weren't so long that you
8 actually tripped on a shoelace and that caused you
9 to fall?

10 A. No, I did not trip on the shoelace at you
11 will.

12 Q. Did you take off your shoe and throw it at
13 Officer Kimble?

14 A. No.

15 Q. Did you actually see at any time where
16 your shoe was?

17 A. No.

18 Q. Was it actually losing the shoe that
19 caused you to fall?

20 A. I never fell. I couldn't run anymore, and
21 then I got grabbed and thrown down.

22 Q. Okay. So when you fell to the ground at
23 Garland Court, the pavement at Garland Court as
24 it's indicated in the complaint, you were actually

1 thrown onto the ground by Officer Kimble?

2 A. It was not the ground. It's a flower bed.

3 Q. This flower bed, this flower bed has some
4 sort of fencing around it?

5 A. I do not recall.

6 Q. Okay. Was there anything sharp or metal
7 outlining the flower bed on August 30, 2007, that
8 you made contact with when you were coming to the
9 ground?

10 A. No.

11 Q. Okay. Did you at all attempt to enter any
12 buildings on Garland Court before you were thrown
13 to the ground?

14 A. No.

15 Q. All right. So Officer Kimble physically
16 got his hands on you while you were -- well, strike
17 that. Let me ask you this.

18 At some point Officer Kimble physically
19 got his hands on you before you were thrown to the
20 pavement at Garland Court?

21 A. I wasn't thrown to the pavement. I was
22 thrown into the flower bed.

23 Q. So where it says pavement at Garland Court
24 in the complaint, that's incorrect?

1 A. That's the way it was written. Same
2 thing, I was thrown in a flower bed.

3 Q. All right. Now, did officer -- strike
4 that.

5 Had you stopped running by the time
6 Officer Kimble made physical contact with you?

7 A. Yes.

8 Q. All right. Where did you actually stop
9 running?

10 A. The middle of Garland Court there.

11 Q. All right. You stopped running, and then
12 Officer Kimble put his hands on your person?

13 A. On?

14 Q. On you, physically on you?

15 A. Yes.

16 Q. And then he threw you into this flower
17 bed?

18 A. Yes.

19 Q. You never attempted to get into this
20 building that's right next to the flower bed on
21 Garland Court?

22 A. No.

23 Q. All right. And from the time that you
24 first saw him to the time he made physical contact

1 with you, you never heard Officer Kimble shout,
2 stop?

3 A. Towards the end when I got -- yeah, he
4 started yelling stop. But at first he didn't yell
5 anything. He just came swinging at me.

6 Q. Okay. So at some point you heard him
7 yell, stop. When you heard him yell, stop, did he
8 say anything about being police?

9 A. No.

10 Q. By the time he yelled, stop, had you
11 already determined he was some form of police?

12 A. Yes.

13 Q. All right. So you continued to run from
14 the police?

15 A. I didn't think he was the police. I
16 didn't believe he was the police.

17 Q. Why not?

18 A. Because police I know wear the light blue
19 shirts.

20 Q. Okay. So it was because Officer Kimble
21 was in a dark blue or a black shirt that you did
22 not believe he was police?

23 A. Yes.

24 Q. All right. Now, when you first observed

1 Officer Kimble and you saw that he was in uniform,
2 you said you saw he had a bullet proof vest on?

3 A. Yes.

4 Q. Okay. Did he have a gun?

5 A. I did not observe.

6 Q. Have you ever known anyone who's not
7 police to be carrying these what you call Billy
8 club?

9 A. I do not recall.

10 Q. Do you know if there are any requirements
11 or any certificates required in order to actually
12 carry one of those? You may not know, do you know?

13 MR. FITZSIMMONS: I would object to the form of
14 the question. It requires him to have specialized
15 knowledge, specialized training.

16 BY MS. MAYHEW:

17 Q. Do you know?

18 A. I don't have the knowledge.

19 Q. Has your dad ever said anything about what
20 officers are allowed to carry those?

21 A. No, ma'am.

22 Q. All right. Now, in the complaint it
23 indicates that you were obviously the victim of an
24 attack. You previously indicated that neither the

1 stick nor the knife made any contact with you; is
2 that accurate?

3 A. Yes.

4 Q. All right. So what was it about you that
5 indicated you were obviously the victim of an
6 attack?

7 A. What indicated to me that I was the victim
8 of an attack?

9 Q. Let me ask it this way.

10 What was it about you that would make it
11 obvious to someone else that you had been the
12 victim of an attack by the time Officer Kimble
13 reached you?

14 A. I don't understand the question.

15 Q. Okay. Well, take a look at I think it's
16 Paragraph 13 on Page 3. It talks about how you
17 fell to the pavement which we covered was actually
18 a flower bed; but despite the fact that Matthew who
19 had fallen to the pavement at Garland Court and
20 Randolph Street was obviously the victim of an
21 attack by an unkempt and disheveled homeless
22 person, Defendant Kimble initiated unprovoked
23 attack upon Matthew.

24 When this says that Matthew was obviously
182

1 the victim of an attack by an unkempt, disheveled
2 homeless person, in terms of how you appeared to
3 other people, was there anything about you that
4 indicated you had actually been attacked before
5 Officer Kimble reached you?

6 MR. FITZSIMMONS: Object to the question. It
7 calls for him to speculate the mindset of other
8 people. You can answer if you want to.

9 THE WITNESS: I cannot answer.

10 BY MS. MAYHEW:

11 Q. Okay. And I just want to be clear.

12 When you began running from Miss Coleman,
13 you did not have any cuts or scrapes?

14 A. Yes, I didn't have any.

15 Q. Okay. You were not bleeding, were you?

16 A. Correct.

17 Q. All right. And you were able to stand on
18 your own two feet?

19 A. Correct.

20 Q. You were able to run?

21 A. Correct.

22 Q. Okay. And since you hadn't been hit by
23 the stick, you didn't have any bruises or welts?

24 A. Correct.

1 Q. All right. Your shoe came off, you
2 stopped midway down Garland Court; and is that when
3 Officer Kimble reached you?

4 A. Yes.

5 Q. Did he still have the Billy club at the
6 time?

7 A. Yes.

8 Q. All right. And did he swing the Billy
9 club at you?

10 A. Yeah. He put me down, and when he was on
11 top of me, he swung at me and hit me.

12 Q. So just so I understand the sequence of
13 events, he put you down onto the flower bed before
14 he actually made contact with you and the baton?

15 A. Yes. He grabbed me and threw me down,
16 then he hit me.

17 Q. How many hands did he grab you with?

18 A. One.

19 Q. Where did he grab you?

20 A. Up on the neck and like gave me one of
21 those, threw me down.

22 Q. Did he actually grab you on the neck or
23 did he grab your clothes? Was it a combination?

24 A. Combination, he just threw me down, you

1 know.

2 Q. Was there anyone walking by on Garland
3 Court at the time this occurred?

4 A. I don't recall.

5 Q. Do you know if anyone witnessed what
6 occurred between you and Officer Kimble on Garland
7 Court?

8 A. I don't recall. There was people there.
9 I don't recall if anyone -- I don't know anyone.

10 Q. So there may have been passersby who may
11 have seen, but you don't know who any of those
12 people may have been?

13 A. Yes.

14 Q. All right. So Officer Kimble grabbed you
15 by the neck and pushed you down to the flower bed.
16 Was that face first?

17 A. Yes.

18 Q. All right. Did you land in the flower bed
19 face first? Did you land on your side? Did you
20 land on your back?

21 A. Face first.

22 Q. Okay. And were you completely on your
23 stomach?

24 A. Yes.

1 Q. All right. Your legs were straight so
2 that your thighs were actually touching the ground?

3 A. Yes.

4 Q. All right. And were you attempting to get
5 up at that time?

6 A. I couldn't go anywhere. Right when he
7 threw me down is when he took the, you know, got
8 his knee on me; and my arm was -- I was laying on
9 this, and I couldn't get my arm out. He hit me
10 repeatedly times, and then he told me, stop
11 wrestling. And I was not wrestling. He was on top
12 of me, and my arm was -- I couldn't get my arm out
13 because he was on top of me, and there was no way
14 to get my arm out. So I wasn't even moving, and he
15 finally cuffed me.

16 Q. I want to describe this because you did
17 some gestures, and we need to describe this for the
18 record.

19 You indicated that when Officer Kimble
20 grabbed you by the neck, threw you down face first
21 into the flower bed, you landed such that your
22 right arm was underneath your body?

23 A. Yes.

24 Q. All right. What was your left arm doing?

1 A. It was just up in the air. Just normal,
2 you know, in the air.

3 Q. And while you were laying on the ground in
4 the flower bed with your right arm under your body,
5 Officer Kimble put his knee on the back of you?

6 A. Yes. Right between my, you know, on my
7 neck.

8 Q. When Officer Kimble had his knee on your
9 neck while you were lying face down on the flower
10 bed with your right arm under you, you heard him
11 say, stop wrestling?

12 A. No. He hit me first and then he said it.

13 Q. Okay.

14 A. I wasn't moving. I couldn't do anything.
15 So he believed that I was, you know, trying to get
16 him from cuffing me because I was on, you know --
17 he couldn't get my other arm because I was on top,
18 and he finally got it.

19 Q. Is it fair to say that the first time
20 Officer Kimble struck you with the baton was once
21 you were already face down laying on your right arm
22 in the flower bed?

23 A. Yes.

24 Q. All right. So he had his knee on the back

1 of your head or your neck, shoulder blades, holding
2 you down. He struck you with the baton and then he
3 said, stop wrestling?

4 A. Yes.

5 Q. How many times did he strike you with the
6 baton before he said, stop wrestling?

7 A. About ten times.

8 Q. Do you know what hand he had his baton in?

9 A. No. My face was down the whole time.

10 Q. Did you see at all what hand his baton was
11 in when you were running away?

12 A. No.

13 Q. Did he have a gun?

14 A. I don't recall.

15 Q. All right. When he struck you with the
16 baton, where did he strike you?

17 A. My whole right side.

18 Q. All right. You were lying on your
19 stomach, so your right side was actually free or
20 available?

21 A. It was -- yes. It was the most prone part
22 to do something to.

23 Q. Okay. When you were struck on your right
24 side, what part of your right side? Was it the

1 side of your stomach, closer to your hip, your
2 thigh?

3 A. From my chest down to my thighs, yes.

4 Q. Okay. So Officer Kimble struck you
5 according to the complaint nine or ten times from
6 your chest down to your right thigh?

7 A. Yes.

8 Q. And he struck you each time just on the
9 right side of the body?

10 A. Yes.

11 Q. Okay. Did he ever strike you anywhere
12 other than your chest down to your right thigh?

13 A. Repeat it again.

14 Q. Did he ever strike you anywhere other than
15 the area that was from your chest down to your
16 right thigh?

17 A. Yes.

18 Q. Where else did he strike you?

19 A. He punched me in the face. This was
20 after, though. You're probably going to get to
21 that later.

22 Q. Well, let me ask this.

23 In terms of the baton, did Officer Kimble
24 strike you with the baton anywhere other than from

1 your chest down to your right thigh?

2 A. No.

3 Q. Okay. And again looking at Paragraph 14
4 of the complaint, it says, Kimble struck Matthew
5 with an expandable metal baton repeatedly nine or
6 ten times while Matthew lay motionless and
7 defenseless of the public way. Did I read that
8 accurately?

9 A. Yes.

10 Q. And again it wasn't the pavement, it was
11 the flower bed?

12 A. Yes.

13 Q. And nine or ten times, how do you know it
14 was nine or ten times?

15 A. I felt it. I kept getting hit. It had to
16 be around ten times.

17 Q. So you're just estimating. You didn't
18 actually count?

19 A. It was not five times. It was a good
20 amount of times.

21 Q. All right. And then you didn't attempt to
22 struggle or attempt to get away the entire time you
23 were in the flower bed?

24 A. I couldn't go anywhere. That was it.

1 Q. Do you know if by just by being thrown
2 down to the flower bed you ended up with any
3 bruising from that particular motion?

4 A. No.

5 Q. No, you don't know?

6 A. I landed fairly softly.

7 Q. Looking at Paragraph 15, Kimble then
8 handcuffed Matthew, dragged him to his feet in a
9 painful and humiliating manner and walked him
10 towards the Metra offices, approaching
11 Defendant Collins who was nearby. Collins stated
12 to Matthew, "so you like hitting black people," and
13 then immediately struck Matthew in the face with
14 his hand.

15 Did I read that correctly?

16 A. Yes.

17 Q. All right. So officer Collins was still
18 by himself at the time that he handcuffed you?
19 Strike that.

20 A. Back to the question before, when I mean
21 fairly softly, I landed on the soil, like flower
22 bed soil. It wasn't like I landed on the cement.
23 That's what I mean by landed softly. I did get
24 thrown down, though.

1 Q. Let me ask you this.

2 At the time you were handcuffed was
3 Officer Kimble still the only officer in the area?

4 A. Yes.

5 Q. And when you say dragged you painfully up
6 to your feet, how did he drag you up onto your
7 feet?

8 A. Grabbed me by the cuffs and the back of
9 the neck and just grabbed me up.

10 Q. You say it was in a humiliating manner.
11 What was humiliating about it?

12 A. I mean, it was not like, all right, get
13 up, you know, because I could have got up by myself
14 most likely; but to him he had control and just
15 grabbed me up. That's humiliating.

16 Q. Do you have any idea if that's police
17 procedure to actually physically lift the arrestee
18 up onto their feet?

19 A. No, I do not.

20 Q. So you don't know if actually according to
21 police procedure he could have allowed you to get
22 up on your own?

23 MR. FITZSIMMONS: Objection. He's already said
24 he doesn't know what the police procedure is. I'm

192

1 going to direct him not to answer that question.

2 BY MS. MAYHEW:

3 Q. Is it fair to say you're not familiar with
4 any police procedure?

5 A. Yes.

6 Q. Okay. So he pulls you up to your feet.
7 You say it was humiliating.

8 How many people were in the area?

9 A. Miss Coleman and two others, they showed
10 up, and there was people in cars, too.

11 Q. Did Miss Coleman and the two others show
12 up while you were still on Garland Court?

13 A. When he cuffed me, I got up, they were
14 there. I don't know how long they were there.
15 They were there, though.

16 Q. Once ended up back on your feet, you were
17 able to observe that Miss Coleman, the short
18 unknown woman and this other unknown man were in
19 the vicinity?

20 A. Yes.

21 Q. All right. Did you hear them say anything
22 at all while Officer Kimble was putting handcuffs
23 on you?

24 A. I was cuffed, and then I just heard like,

193

1 that's that mother fucker. And that's -- just a
2 bunch of swear words and, you know, that I was the
3 one that attacked them and everything.

4 Q. Who actually said, that's that mother
5 fucker? Was that Miss Coleman, the man or the
6 unknown woman?

7 A. I don't know who said it. I just heard
8 it.

9 Q. And you said, like you were the one who
10 attacked them. What was said that made it sound
11 like you were the one who attacked them?

12 A. That's that mother fucker.

13 Q. Okay. So it's not like you heard
14 Miss Coleman or the man actually say, this guy
15 attacked us. It was just the swearing?

16 A. Yeah.

17 Q. All right. And then Officer Kimble took
18 you towards the entrance to Millenium Station?

19 A. Yes.

20 Q. Now, this Paragraph 15 references
21 Sergeant Collins. When were you first aware of
22 Sergeant Collins?

23 A. When Officer Kimble was walking -- taking
24 me eastbound down Randolph before the entrance

1 there, a male, black, wearing a white shirt came
2 approaching us. That's when I observed him.

3 Q. All right. The male, black, wearing a
4 white shirt, did he have a badge on?

5 A. Yes.

6 Q. All right. So you recognized the badge as
7 some sort of security or law enforcement?

8 A. Yes.

9 Q. All right. He approached you, and did he
10 immediately say, so you like hitting black people?

11 A. Well, the first thing he said -- he said,
12 so you like hitting up on black women. Later on in
13 the station he said the black people.

14 Q. All right. So you're walking towards --
15 you're being taken towards the Millenium Station
16 with your hands handcuffed behind your back?

17 A. Yes.

18 Q. You see an African American man in a white
19 shirt with a badge approach?

20 A. Yes.

21 Q. He's later identified as Sergeant Collins?

22 A. Yes.

23 Q. And the first thing Sergeant Collins says
24 when he approaches you is, so you like hitting up

1 on black women?

2 A. The first thing he said to me was that,
3 yes, and he struck me.

4 Q. Do you know when Sergeant Collins actually
5 arrived in the vicinity of Randolph and Michigan
6 Avenue?

7 A. No.

8 Q. All right. Do you know why he would think
9 you had hit a black woman?

10 MR. FITZSIMMONS: Objection. It calls for him
11 to speculate into the mind of another person. I'm
12 going to direct him not to answer the question.

13 BY MS. MAYHEW:

14 Q. Do you understand the question?

15 A. Yes, and I will not answer.

16 Q. Okay. Did you hear anyone tell
17 Sergeant Collins that you had hit a black woman?

18 A. Miss Coleman and the two others were
19 following, so I assumed they told -- he knew. He
20 knew what happened. I don't know how he knew,
21 though, because why else would he hit me.

22 Q. You just said he knew what happened?

23 A. Yes.

24 Q. What do you mean he knew what happened.

1 In terms of what portion?

2 A. He knew that Officer Kimble had pursued of
3 me and that whatever Kimble radioed or if anything
4 happened, if Kimble called anything in, said
5 something happened, an incident happened, he knew
6 something because when I was walking he was coming,
7 and he looked pissed about something.

8 Q. Did you hear Officer Kimble radio anything
9 in?

10 A. No.

11 Q. You never attacked a black woman?

12 A. I didn't attack anyone.

13 Q. You never hit a black woman?

14 A. No.

15 Q. You never heard Miss Coleman tell
16 Sergeant Collins that -- let me finish my question.

17 You never heard Miss Coleman tell
18 Sergeant Collins that you hit her while you were up
19 in the Garland/Randolph area?

20 A. By attack do you mean I initialized the
21 attack or I was attacked and then I attacked, is
22 that what you mean?

23 Q. Did you ever hear Miss Coleman say
24 anything to Sergeant Collins that would suggest you

1 either hit her or attempted to hit her at any time?

2 A. No, but she was yelling the whole time
3 about me.

4 Q. What was she yelling?

5 A. That I attacked them on the street.

6 Q. Okay. Was the man saying anything?

7 A. I don't recall.

8 Q. So while you were being taken towards
9 Millenium Station by Officer Collins and you were
10 being approached by -- strike that.

11 While you were being taken towards
12 Millenium Station by Officer Kimble, you were
13 approached by Sergeant Collins; and Miss Coleman
14 was shouting that you had attacked them?

15 A. Yes, the three.

16 Q. I'm sorry. I didn't mean to interrupt.

17 Them is Miss Coleman, the gentleman and
18 the unknown woman she's with?

19 A. Yes.

20 Q. All right. And was it after Miss Coleman
21 shouted that that Sergeant Collins made his
22 statement to you, so you like hitting up on black
23 women?

24 A. I don't know. I don't recall.

1 Q. You said that Sergeant Collins then hit
2 you in the face after he remarked, so you like
3 hitting up on black women?

4 A. Yes.

5 Q. What hand did he hit you with?

6 A. I do not know.

7 Q. Was it a closed fist or open palm?

8 A. Closed fist.

9 Q. What side of the face did he hit you on?

10 A. I don't recall.

11 Q. Was it actually on the side of the face or
12 was it full on straight into the --

13 A. Full on straight.

14 Q. Did it hit your nose?

15 A. I don't recall.

16 Q. Did it hit your mouth?

17 A. May have. He hit me in the face, I
18 mean . . .

19 Q. Were you bleeding after Sergeant Collins
20 hit you in the face?

21 A. I don't recall.

22 Q. And then Paragraph 16 says, both Kimble
23 and Collins then dragged Matthew down a set of
24 stairs to Metra offices causing Matthew's wrist to

1 be injured. First let me ask you this.

2 The handcuffs when they were put on you,
3 did they hurt?

4 A. Yes.

5 Q. They were tight?

6 A. Yes.

7 Q. Were you moving your hands at all while
8 they were handcuffed?

9 A. You could barely move. It was as tight as
10 you could make it to fit around my wrist.

11 Q. They were metal handcuffs?

12 A. Yes.

13 Q. Okay. Now, it says that Kimble and
14 Collins dragged you down a set of stairs.

15 Officer Kimble still had his hands on you
16 from when he picked you up at Garland Court; is
17 that accurate?

18 A. Yes.

19 Q. Was he on one side or the other?

20 A. They were both on -- I don't know what
21 side he was on; but Collins was on the other one,
22 and Kimble was on the other one. They were taking
23 me down the stairs.

24 Q. Okay. Where did Officer Kimble -- where

200

1 was he holding you when he was walking you down the
2 stairs?

3 A. Probably my left hand or right hand. I
4 don't know what side he was on.

5 Q. I guess I mean was he holding your arm?
6 Was he holding your wrist?

7 A. He was grabbing my arm, you know, just
8 dragging me. I was walking, but I guess I wasn't
9 walk fast enough. He was dragging me. They were
10 dragging me.

11 Q. What happened to your shoe? Were you
12 still only wearing one shoe at this point?

13 A. One shoe I had on.

14 Q. And when Officer Kimble dragged you up
15 after he handcuffed you, did you see where the shoe
16 that you lost or that came off was?

17 A. No.

18 Q. Did you ask anybody to look for your shoe?

19 A. No.

20 Q. Did you ever get that shoe back?

21 A. No.

22 Q. So you were being taken down to Millenium
23 Station. Officer Kimble was on one side;
24 Sergeant Collins was on the other, true?

1 A. Yes.

2 Q. And you had to walk downstairs at
3 Millenium Station?

4 A. Yes.

5 Q. All right. You said dragged. Were you
6 actually able to put your feet down on each stair
7 as you went down?

8 A. At the beginning, yes. At the end, no.

9 Q. Okay. How many stairs approximately, you
10 know, quarter of the way, half way, third of the
11 way did you get down before you were no longer able
12 to put your feet on the stairs?

13 A. Not even halfway.

14 Q. Okay. And did either Sergeant Collins or
15 Officer Kimble say anything to you that indicated
16 they weren't going to let you put your feet on the
17 stairs?

18 A. No, they didn't say anything.

19 Q. They just started to walk ahead of you
20 while pulling you kind of behind them?

21 A. No. They were on the side of me. They
22 weren't in front of me. They were kind of on the
23 side, but dragging.

24 Q. Okay. Did your toes hit the stairs?

202

1 A. Yes. I had one shoe on, yes.

2 Q. All right. So you got to Millenium
3 Station, and then they had to walk you, you know,
4 past all these, I don't know, kind of restaurants
5 and businesses and things; is that right?

6 A. I don't recall if the station is before or
7 after that.

8 Q. Meaning you don't remember if the station
9 was remodeled to include all these things before
10 this incident of August 30, 2007?

11 A. Yes.

12 Q. All right.

13 MR. FITZSIMMONS: Why don't we take a break
14 right here.

15 MS. MAYHEW: Sure.

16 (Whereupon, a short break was
17 taken.)

18 BY MS. MAYHEW:

19 Q. All right. You're in handcuffs.
20 Officer Collins on one side -- Sergeant Collins on
21 one side. Officer Kimble on the other. They are
22 taking you through Millenium Station?

23 A. Yes.

24 Q. While they are taking you through

1 Millenium Station towards what would be the Metra
2 police offices, do you know where Deborah Coleman
3 was?

4 A. She was following them.

5 Q. Was she behind the three of you?

6 A. Yes.

7 Q. What about the gentleman who had had the
8 stick earlier?

9 A. Yes. They were with her.

10 Q. As well as the short unknown woman?

11 A. Yes.

12 Q. Did that unknown woman ever say anything
13 from the time you first saw her to the time you
14 were going through Millenium Station?

15 A. I don't recall.

16 Q. All right. At some point the three of
17 you -- strike that.

18 At some point you, Sergeant Collins,
19 Officer Kimble reached the Metra police station
20 inside Millenium Station?

21 A. Yes.

22 Q. Now, look at Paragraph 17 of the complaint
23 on Page 3, it says, in the Metra offices Kimble and
24 Collins were joined by Defendant Geanes. Collins

1 once again stated to Matthew, so you like hitting
2 black people, and struck Matthew in the face.

3 Did I get that correctly?

4 A. Yes.

5 Q. All right. Once you get down to the Metra
6 offices, that's when Sergeant Collins hits you a
7 second time?

8 A. Yes. Him and Kimble took me into this
9 like little side room, and just like how I'm
10 standing here, Officer Collins is here. You're
11 Kimble. He said, you like hitting up on black
12 people. Collins struck me right above here. After
13 he hit me, it was simultaneously Kimble hit me
14 right on the side.

15 Q. You did gestures, so we need to describe
16 the gestures.

17 A. I got hit with -- Collins' right hand hit
18 me.

19 Q. I want to make sure that I have the who
20 doing the right part, all right?

21 A. All right.

22 Q. So you get down to the Metra police
23 offices, and you're taken into some kind of
24 separate room?

1 A. Yes.

2 Q. And when you enter that room, you are
3 alone with Officer Kimble and Sergeant Collins?

4 A. Yes.

5 Q. When you enter that room with
6 Officer Kimble and Sergeant Collins, you're still
7 handcuffed?

8 A. Yes.

9 Q. Is this the room that you were ultimately
10 looked in later?

11 A. No.

12 Q. So this is a different room than where you
13 ultimately end up being held?

14 A. Yes.

15 Q. All right. What did this room look like?

16 A. A table -- I don't really recall.

17 Q. To get to this room you had to walk
18 through Millenium Station. Did you have to go
19 upstairs, downstairs, do you remember?

20 A. Into the Metra police office.

21 Q. And when you first walked into the office,
22 where is this room? Is it off to the right, the
23 left, directly ahead?

24 A. I don't recall. I believe it's straight

206

1 ahead.

2 Q. Was there a door on this particular room
3 that you were initially taken into?

4 A. I don't recall.

5 Q. While you were in this room Officer Kimble
6 and Sergeant Collins, did they let go of you?

7 A. Yes. I was standing like this. I was
8 standing with my arms behind my back cuffed still.

9 Q. All right. So when you're taken into this
10 separate room, you're standing on your own with
11 your hands still cuffed behind your back?

12 A. Yes.

13 Q. And then Sergeant Collins is standing
14 somewhat in front of you and off to your right?

15 A. Yes.

16 Q. And then Officer Kimble is standing
17 somewhat in front of you and off to your left?

18 A. Yes.

19 Q. Okay. Approximately how many feet away
20 from you was Sergeant Collins standing?

21 A. Not even one foot.

22 Q. All right. And would that be
23 approximately the same distance from you that
24 Officer Kimble was standing while you were

1 handcuffed there?

2 A. Correct.

3 Q. Okay. And Sergeant Collins then says, so
4 you like hitting up on black people?

5 A. Yes.

6 Q. After Sergeant Collins says, so you like
7 hitting up on black people, he then strikes you in
8 the face just above your right eye?

9 A. Yes.

10 Q. Did he strike you with a closed fist or
11 open hand?

12 A. Closed fist.

13 Q. Which fist, left or right?

14 A. Right.

15 Q. When he struck you in your right -- or
16 directly above your right eye, can you tell me
17 about how much of the eye area the side of your
18 head that he actually made contact with?

19 A. Right above my right brow, right there.

20 Q. All right. Now, did his fist also extend
21 to kind of where your hairline is?

22 A. Yes.

23 Q. Is your hairline similar or about the same
24 now as it was back then, August 30, 2007?

208

1 A. No.

2 Q. All right. Were you bleeding anywhere
3 after Sergeant Collins struck you while you were in
4 this office that you were initially taken into at
5 the Metra offices?

6 A. Can you repeat that?

7 Q. Yeah. That was a poor question.

8 We previously talked how when
9 Sergeant Collins punched you in the face when you
10 were still upstairs at the Randolph/Michigan area
11 that you didn't remember if you were bleeding or
12 not. Do you remember that?

13 A. Yes.

14 Q. This time, the second time that
15 Sergeant Collins punched you, he punch you above
16 your right eyebrow. Were you bleeding from that?

17 A. It was not trickling on the ground, but
18 when I later got home I saw that I had a cut. So
19 yes, I was bleeding.

20 Q. Okay. Was it when you got home that next
21 day that you first realized that you had any blood
22 above your right eye?

23 A. Yes.

24 Q. Okay. Now, after Sergeant Collins punched

1 you above your right eye, Officer Kimble also
2 punched you?

3 A. Yes.

4 Q. Did Officer Kimble say anything before he
5 punched you?

6 A. No.

7 Q. Officer Kimble punched you on the left
8 side of your face?

9 A. Yes.

10 Q. Was it also above what would be your left
11 eyebrow?

12 A. Yes, around the cheek area, you know. If
13 you hit with -- if you got a big hand, you can hit
14 the cheek and you can hit the brow, right around
15 there.

16 Q. So is that what Officer Kimble did?
17 Officer Kimble took a swing at you and punched you
18 at the top of your left cheek bone including the
19 left brow?

20 A. Yes.

21 Q. All right. Were you bleeding from that?

22 A. No.

23 Q. Okay. Was that the first time that
24 Officer Kimble punched you with his hand?

210